

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	DWAYNE TILLERY,	Case No. 3:20-cv-00004-RFB-WGC
4		ORDER
5	v.	
6	SCOTT ADAMSON, et al.,	
7		Defendants.
8		

9 **I. DISCUSSION**

10 On January 2, 2020, Plaintiff Dwayne Tillery (#32659) initiated this prisoner civil  
11 rights action pursuant to 42 U.S.C. § 1983 when he was in the custody of the Nevada  
12 Department of Corrections (“NDOC”), (ECF No. 1-1). On October 20, 2020, the Court  
13 confirmed from the NDOC inmate database that Plaintiff died on October 19, 2020.

14 Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim  
15 is not extinguished, the court may order substitution of the proper party. A motion for  
16 substitution may be made by any party or by the decedent’s successor or representative.  
17 If the motion is not made within 90 days after service of a statement noting the death, the  
18 action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). As such,  
19 if there is no motion for substitution filed within 90 days from the date of this order, the  
20 Court will dismiss the case.

21 **II. CONCLUSION**

22 For the foregoing reasons, IT IS ORDERED that the Court will dismiss this case in  
23 90 days from the date of this order if there is no motion for substitution filed pursuant to  
24 Federal Rule of Civil Procedure 25(a)(1).

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1           **IT IS FURTHER ORDERED** that the application to proceed *in forma pauperis* (ECF  
2 No. 1) is denied as moot.

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4           DATED: November 2, 2020.

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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE